

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

REGAL FABRICS, INC.,

Plaintiff,

v.

KOBA, INC., an Illinois corporation;  
IBR CORPORATION, d/b/a Harbortown Division,  
an Illinois corporation; and  
SHOPKO STORES, INC, a Wisconsin corporation,

Defendants.

Civil Action No. 04-10961-RWZ

**NOTICE OF WITHDRAWAL OF MOTION TO DISMISS**

Defendants Koba, Inc.; IBR Corporation and Shopko Stores, Inc. (collectively "Defendants") hereby withdraw their Motion to Dismiss Pursuant to Rule 12(b)(6) which was filed on July 7, 2004. The grounds for this withdrawal are that Plaintiff has filed an Amended Complaint which causes the Motion to Dismiss to be moot.

Respectfully Submitted,

**KOBA, INC.; IBR CORPORATION and  
SHOPKO STORES, INC.**

By their attorneys,



Mark Schonfeld (BBO # 446980)  
Burns & Levinson LLP  
125 Summer Street  
Boston, MA 02110  
(617) 345-3000

Dated: August 6, 2004

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document  
was served upon the attorney of record for each other  
party by (hand) (mail) on AUG. 6 2004  
Mark Schonfeld